

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASSOCIATION OF NEW JERSEY
RIFLE & PISTOL CLUBS, INC.,

BLAKE ELLMAN, *and*

ALEXANDER DEMBOWSKI,
Plaintiffs,

v.

GURBIR GREWAL, in his official
capacity as Attorney General of New
Jersey,

PATRICK J. CALLAHAN, in his
official capacity as Superintendent of
the New Jersey Division of State
Police,

THOMAS WILLIVER, in his official
capacity as Chief of Police of the
Chester Police Department, *and*

JAMES B. O'CONNOR, in his official
capacity as Chief of Police of the
Lyndhurst Police Department,

Defendants.

HON. PETER G. SHERIDAN,
U.S.D.J.

HON. LOIS H. GOODMAN,
U.S.M.J.

CIVIL ACTION NO. 18-cv-10507

CIVIL ACTION

(ELECTRONICALLY FILED)

**DECLARATION OF DANIEL L. SCHMUTTER
IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION
TO WITHDRAW THE DECLARATION OF JAMES CURCURUTO**

1. I, Daniel L. Schmutter, am an attorney at the law firm of Hartman & Winnicki, P.C., attorneys of record for Plaintiffs in the above-titled action. I am

licensed to practice law before the United States District Court for the District of New Jersey. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. On June 21, 2018, Plaintiffs moved for a preliminary injunction. *See* Doc. 7. That same day, Plaintiffs submitted the Declaration of James Curcuruto in Support of Plaintiffs' Motion for a Preliminary Injunction. *See* Docs. 12 and 12-1.

3. Plaintiffs will not be relying on the declaration of Mr. Curcuruto for purposes of adjudicating their motion for a preliminary injunction and, accordingly, will neither be calling him as a witness at the evidentiary hearing scheduled for August 13, 16, and 17 nor relying upon his declaration in their proposed findings of fact and conclusions of law. *See* Doc. 47.

4. Counsel for Defendants Grewal and Callahan have requested that Plaintiffs move to withdraw Mr. Curcuruto's declaration from the record, and Plaintiffs, through undersigned counsel, have agreed to do so.

5. Counsel for all Defendants have indicated that they consent to this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States.

/s/ DANIEL L. SCHMUTTER

Daniel L. Schmutter

August 10, 2018

Date